

Message

From: Jim Kunstman [jkunstman@pbigordon.com]
Sent: 12/30/2020 7:57:35 PM
To: Messina, Edward [Messina.Edward@epa.gov]; McKamey, Ann [McKamey.Ann@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]; Wormell, Lance [Wormell.Lance@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Ray McAllister [rmcallister@croplifeamerica.org]; Julie Spagnoli [julie.spagnoli@jmspcconsulting.com] [julie.spagnoli@jmspcconsulting.com]; Laura Rankin [laura.rankin@southernag.com] [laura.rankin@southernag.com]; Cristen S. Rose (crose@paleyrothman.com) [crose@paleyrothman.com]
Subject: AAPCO/SFIREG Pesticide Impurities Letter - Jan 4 Meeting
Attachments: 2017-11 sfireg-issue-paper-impurities-oda-to EPA.pdf; 2020-10-15 epa-response-sfireg-impurities-issue-paper-final.pdf; 2020-11-23 JK response to Messina letter of 15-Oct.pdf; 40CFR S158.340.pdf; PR 96-8 Level of Tox significance.pdf
Flag: Follow up

All,

I wanted to provide a brief outline of what I'd like to discuss this coming Monday concerning the recent letter sent by Ed Messina to the AAPCO and SFIREG Groups concerning their 2018 Issue Paper about Pesticide Impurities in EPA-Registered Products. I've also included copies of a few of the relevant documents pertaining to the situation .. in case all on the call have not seen them yet. If anything else is needed by anyone .. please let me know. I know this is not any of our highest priorities, and we only will have 30 minutes to discuss on Monday, but I think, in that time, we can better understand the problem, and hopefully think about what steps need to be taken to avoid it becoming a bigger issue. Even if we don't get a chance to discuss all the items .. at least I've laid out what I see as a concern.

I've included on this email .. those who were listed on Ann's email to me from EPA's side .. as well as those who will be able to attend from industries side. The list of "interested parties" is much bigger, but I believe the group represented in this meeting will be good for initial discussions.

Reminder ..

Date of Call = **January 4, 2021**

Time of Call = **4:00 – 4:30pm EST**

You should have received a TEAMS invite from Ann McKamey on behalf of Ed .. or will be forwarded one from me shortly

(note that if you don't have TEAMS .. there is a Call-In number for audio access only)

Proposed Outline for Discussion:

- 1) Introductions .. and definition of why we've requested these topics to be discussed
- 2) Topic 1 – Ed's letter and main point of concern
 - a. EPA's Response to AAPCO/SFIREG Issue Paper – mostly good!
 - b. Concern over apparent change in EPA thoughts on contaminants in registered pesticides due to the statement:
"[w]hen registered pesticides with EPA-accepted organic labeling claims are found to be contaminated with NOP-prohibited synthetic pesticides in an amount that would not be considered "toxicologically significant" as set forth by PRN 96-8, those products may nevertheless be "misbranded" as defined by FIFRA section 2(q)(1)(A) and "adulterated" as defined by FIFRA section 2(c)(1)." (Emphasis added)
 - c. Implications of changing policy by letter, not made available for Public Comment and discussion – Exec Order 13891
 - d. Current "Use" of letter = by States in lawsuits against registrants to indicate that EPA is now in agreement in their move to narrow the levels of contaminants in certain products
 - e. How are registrants supposed to know which policies are in place when they produce products

- 3) Topic 2 – Implications of current policies on Use of Pesticides on upcoming agricultural crops (Hemp and Marijuana)
– *if time allows*
- a. How will new pesticides approved for use on Hemp (and later Marijuana) be regulated – new policy or PRN 96-8?
 - b. How will EPA's policy on this be followed by States
 - c. Who are all the interested parties who might help with this discussion? USDA (NOP), IR/4 (minor crops), Organic growers, Registrants, AAPCO & SFIREG
- 4) Next Steps?

Any questions or comments on the proposed agenda .. please let me know as soon as possible .. and until then .. stay safe & have a Great start to the New Year!

Jim

James L Kunstman, PhD

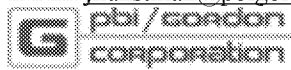
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